

nomination has been considered by the Judiciary Committee and then sequentially by the Intelligence Committee. I had the honor of chairing both of these hearings, so am as familiar with any Member with his record.

Both the Judiciary Committee and Intelligence Committee favorably reported the nomination without dissent.

The position of the Assistant Attorney General for National Security was created in the USA PATRIOT Improvement and Reauthorization Act of 2005 out of recognition that there should be a single official in the Department of Justice who is responsible for national security.

The Assistant Attorney General is the bridge between our Nation's intelligence community and the Department of Justice. He or she represents the Government before the FISA Court and is also the Government's chief counterterrorism and counterespionage prosecutor.

David Kris is highly qualified for this critically important national security position.

He has both figuratively and literally "written the book" on national security.

Mr. Kris spent 11 years as a prosecutor in the Justice Department, and he knows its national security functions well.

During the Bush administration, he was the Associate Deputy Attorney General for national security, where he litigated national security cases and oversaw intelligence activities. When Congress considered merging the Department's national security functions under a single office, Kris was one of the experts consulted.

After leaving Federal Government service, Mr. Kris remained very active in the field of national security law. He coauthored of the most widely used legal treatise in this area. His book, titled "National Security Investigations and Prosecutions", provides a step-by-step analysis of all of the law that governs Government activity in response to terrorist threats.

During the debate last year over rewriting the Foreign Intelligence Surveillance Act, Mr. Kris spent significant amounts of his personal time meeting with personnel from both the Judiciary and Intelligence Committees to offer his expertise and judgment.

In addition to his expertise, Kris has received high marks for his commitment to the rule of law. Both committees to consider his nomination received numerous letters of support from distinguished legal and privacy rights officials and experts. Those letters are in the hearing records at both committees.

It is important for the Senate to consider this nomination and confirm Mr. Kris. Simply put, the Department of Justice needs him to get to work.

The Assistant Attorney General position, currently vacant, is the primary official overseeing the Foreign Intelligence Surveillance Act implementa-

tion and signs applications going to the FISA Court.

Because of the legislation passed last year, Mr. Kris will need to start immediately to prepare new certifications and supporting materials that the executive branch will have to submit to the FISA Court. As such, he would be the official at the Department of Justice most directly involved in questions of setting minimization and targeting procedures, reviewing the Attorney General's guidelines under the act, and making sure that the intelligence collection is carried out faithfully under the law.

Separately, an Assistant Attorney General should be playing a key role in the executive branch review of how to handle individuals currently held at Guantanamo Bay. Mr. Kris has answered numerous questions on this topic during his confirmation hearings and shares my view that there must be an appropriate legal process upholding any decisions to detain individuals. However, he also believes, correctly in my view, that great care must be taken to ensure that anyone at Guantanamo who is transferred to other nations must not be allowed to pose a continuing threat to our national security.

I am pleased that this nomination has finally reached the floor, and I urge the confirmation of David Kris.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of David S. Kris, of Maryland, to be Assistant Attorney General?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—97

Akaka	Casey	Hagan
Alexander	Chambliss	Harkin
Barrasso	Coburn	Hatch
Baucus	Cochran	Hutchinson
Bayh	Collins	Inhofe
Begich	Conrad	Inouye
Bennet	Corker	Isakson
Bennett	Cornyn	Johanns
Bingaman	Crapo	Johnson
Bond	DeMint	Kaufman
Boxer	Dodd	Kerry
Brown	Dorgan	Klobuchar
Brownback	Durbin	Kohl
Bunning	Ensign	Kyl
Burr	Feingold	Landrieu
Burr	Feinstein	Lautenberg
Byrd	Gillibrand	Leahy
Cantwell	Graham	Levin
Cardin	Grassley	Lieberman
Carper	Gregg	Lincoln

Lugar	Reed	Tester
Martinez	Reid	Thune
McCain	Risch	Udall (CO)
McCaskill	Roberts	Udall (NM)
McConnell	Rockefeller	Vitter
Menendez	Sanders	Voinovich
Merkley	Schumer	Warner
Mikulski	Sessions	Webb
Murkowski	Shaheen	Whitehouse
Murray	Shelby	Wicker
Nelson (FL)	Snowe	Wyden
Nelson (NE)	Specter	
Pryor	Stabenow	

NOT VOTING—2

Enzi Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

LEGISLATIVE SESSION

NATIONAL SERVICE

REAUTHORIZATION ACT—Continued

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN AND CHINESE ECONOMIES

Mr. BROWN. Mr. President, the current financial crisis paints our economic relationship with China in broad relief. Our economies are not healthy, China's economy, the economy of the United States. And worse, these two countries' economies, ours and China's, are codependent.

The U.S. official unemployment rate is 8.1 percent. In my State of Ohio, it is 9.4 percent, the highest rate inflicted on our State in 25 years. Meanwhile, tens of thousands of factories in China have closed over the past 6 months.

China is one enormous export platform, and the United States is its biggest customer. We, for all intents and purposes, have stopped buying. Morgan Stanley economists report that exports account for 47 percent of the economies of China and other East Asian nations. Literally 47 percent of their economy, almost half of their economy, is devoted to export in China and other Eastern Asian countries, while in our country, the United States, consumption accounts for 70 percent of our GDP. This economic codependency has bred a dangerously skewed financial relationship. As revenues flow out of the United States and into China, China has become our biggest lender. Imagine what that is going to look like if we continue these policies in the years ahead. What it means for sovereign wealth funds, the collection of United States dollars held by Chinese banks, Chinese Government treasury, Chinese businesses, the number of United States dollars, because of their trade surplus, coming from our trade deficit situation—I do not need to detail the

risk that relationship breeds. But its roots lie in our economic codependency, and our economic codependency is rooted in our Nation's passive trade policy.

Senator SANDERS and Senator WHITEHOUSE, joining me on the floor, with the Presiding Officer, all understand what these trade agreements have done, this passive trade policy that we have practiced for more than a decade, what that has done to our country.

Ohio is one of the great manufacturing States in our Nation. We make paper, steel, aluminum, glass, cars, tires, solar panels—one of the leading States in the country manufacturing solar panels—polymers, wind turbines, and more. Look around you today and you will see, wherever you go, something that was made in Ohio.

So let's look at a typical Ohio manufacturer and compare that with a Chinese manufacturer. The Ohio manufacturer has a minimum wage to pay his workers, as he should. The Ohio manufacturer has clean air rules, safe drinking water rules, workplace rules, product safety standards by which to abide, helping to keep our workers healthy and productive, helping to keep customers safe, helping to create a better, more humane society.

Worker safety, environment, public health, treating workers properly, these are all things our country and the values it represents has brought to us. The Chinese manufacturer has no minimum wage to maintain, is allowed to pollute local water sources, is allowed to let workers use dangerous and faulty machinery and, frankly, whether it is in a vitamin or food of some kind, is allowed to use, too often, toxic substances, such as on children's toys with lead-based paint, things such as that. Chinese manufacturing doesn't do any of the things the Ohio manufacturer does.

The Ohio manufacturer pays taxes, health benefits, pays into Social Security and Medicare, typically allows family leave, and gives WARN notices when there is a plant closing. The Chinese manufacturer does little of that, but the Chinese manufacturer also allows child labor, which is expressly forbidden in this country. The Ohio manufacturer generally receives no government subsidies. The Chinese manufacturer often receives some subsidies for the development of new technologies and, often, subsidies for export assistance. The Chinese manufacturer benefits from China's manipulation of its currency which gives it up to a 40-percent cost advantage.

The Ohio manufacturer is going green, investing in new technologies and efficiency to create more sustainable production practices. Ohio manufacturers are part of the movement to become more energy efficient. They will do their job to reduce carbon emissions but not at the expense of jobs if China and other countries don't take comparable action. When an Ohio man-

ufacturer petitions for relief, when he says, "I can compete with anyone, but this is not a level playing field;" when the Ohio manufacturer says he wants to emit less carbon but needs to see that his competitors from China bear the same cost on similar time lines, what does the Chinese Government say? They call it protectionism.

Last week Energy Secretary Chu noted in a hearing that unless other countries bear a cost for carbon emissions, the United States will be at a disadvantage. The Chinese official responded:

I will oppose using climate change as an excuse to practice protectionism on trade.

Chinese officials are quick to call us protectionist, a country that has an \$800 billion trade deficit, despite all the protections the Chinese afford its manufacturers. Meanwhile, the United States has the world's most open economy, as we should.

Of course, Chinese officials are often joined by highly paid American CEOs, by Ivy League economists, by editorial boards at darn near every newspaper in the country in calling any effort to rebuild American manufacturing protectionist. In newspapers around the country, when we fight for American jobs and say we need a level playing field, newspapers will say we are protectionist. That is why there is such a sense of urgency about changing this manufacturing policy. China's industrial policy is based on unfair trade practices. It involves direct export subsidies and indirect subsidies such as currency manipulation and copyright piracy, hidden subsidies such as lax standards and low labor costs, and unenforced environmental rules. In total, it results in millions of lost jobs—in Erie, Pittsburgh, Philadelphia, Cleveland, Youngstown, Sandusky, Zanesville, and Lima, all over the States.

It is also depressing wage and income levels worldwide, while China's exploitation of environmental and health and safety standards injures Chinese, sometimes kills Chinese workers and citizens, and adds to our climate change challenges. The health of our economy, the strength of our middle class depends on how Congress and how the Obama administration engages with China on these issues.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate at 12:33 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. KAUFMAN).

NATIONAL SERVICE

REAUTHORIZATION ACT—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that Senator REED from Rhode Island be recognized first, for up to 5 minutes, and then I be recognized, following him, for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of H.R. 1388, the Serve America Act. I particularly commend Senator MIKULSKI for her leadership on this very important initiative. She has done more than anyone to bring this bill to the floor and it being on the verge of successful passage. I say thank you, Madam Chairwoman as well as Senators KENNEDY, HATCH, and ENZI for your excellent work on this bill.

This bipartisan legislation reauthorizes the National and Community Service Act for the first time since 1993. It strengthens our commitment to the importance and value of national and community service for individuals of all ages.

I was pleased the American Recovery and Reinvestment Act that was signed into law last month included \$154 million for AmeriCorps State and national programs and AmeriCorps VISTA. This funding is estimated to engage 13,000 additional individuals in service to their communities. In his address to Congress last month, President Obama encouraged "a renewed spirit of national service for this and future generations" and called for quick congressional action on the legislation we seek to pass today.

There are a variety of ways to serve your country. You can serve in the Armed Forces, as I did, or you can serve in your community, as so many Americans are doing today. More than ever, being a good citizen means not only working hard and providing for one's family but also being an engaged and contributing member of the community, and particularly to those most in need in your community.

We make ourselves better by engaging in service that gives back to our communities and makes our society better, through teaching, mentoring and tutoring children, cleaning up rivers and streams, building housing for the homeless, and addressing the medical needs of the ailing, to name a few endeavors that are so critical.

The AmeriCorps, Learn and Serve America, and Senior Corps programs have greatly benefitted my State. Rhode Island has a proud tradition of service and was one of the first States to embrace the AmeriCorps program. More than 14,000 Rhode Islanders participated in those programs last year.

Participants in these programs are given an opportunity to learn as well as an opportunity to serve. In the act of serving their community, participants often make a difference in their own lives—developing their own knowledge, skills, character, and self-esteem, and incorporating an ethic of civic responsibility for the rest of their lives.